

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on June 25, 2004. In the Office Action the Examiner has rejected claims 1-38 under 35 U.S.C. 102 (e) as unpatentable over Eastep et al. (US 6,731,625), hereinafter Eastep, and claim 39 under 35 U.S.C. 103(a) over Eastep in view of Goldberg et al. (US 6,304,636), hereinafter Goldberg.

In response, the applicant has carefully studied the Examiner's remarks and the references, and has concluded that the rejections are faulty, in that the actual elements of the claims and the combinational functionality is not taught or suggested in the references, in the portions applied.

For example, in paragraph 4 of the action the Examiner states: "As to independent claim 26, "A method for collecting...(insert applicant's claim language from beginning through step d)" is taught in '625 (Eastep), col. 24, lines 1-65;" Applicant reads the applied portion of the reference and discovers that there is no teaching there to the actual steps claimed. There is teaching there that there is broad capability to inter-communicate between the Internet network and the conventional telephony network. The applicant, however, is not claiming detailed interconnectivity, but a specific system and method for following a user's request to access, by an Internet-connected server, using telephone systems, sites storing information of interest to the user (non-Internet-connected sites), retrieving that information, converting at the server to a form useful by the requester, and providing the end result to the requester.

Absolutely none of the actual steps recited by the applicant in claim 26 are taught by the reference Eastep in col. 24, lines 1-65.

It is a common practice of many Examiner's in the US Patent Office to quote back an applicant's claim language, and attribute the claim language to a reference, without ever stating what the reference actually says, and how that teaching might read upon the elements of the applicant's claim. This gets an action made and mailed, but it only prolongs the examination process, because in the end the law requires the USPTO to show that the art actually teaches the invention as claimed, and how.

The applicant has reviewed the rest of the action and found that it is done in essentially the same fashion as the rejection of claim 26, and has therefore concluded that the rejections, and all of them, fail to rise to the level of a prima facie standard, and should be withdrawn.

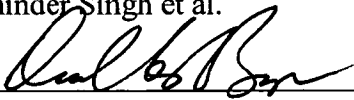
Further to the above, the applicant respectfully urges that the actual steps must be found in the art, and in the order recited, to make a good rejection, and that a showing that there exists technology that might perform the steps and functions, if someone thought of using it that way (the applicant did, and that is the invention) does not qualify as prior art to reject a claim.

Two independent and four dependent claims have been added in the present response, which are somewhat broader than the original claims, but still clearly patentable over the art cited and applied.

As all of the claims are clearly shown to be patentable over the art cited and applied, applicant respectfully requests reconsideration and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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